

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3 are currently pending. Claims 1 and 3 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. SUPPORT FOR AMENDMENT IN SPECIFICATION

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0028]-[0029] of Applicant's corresponding published application. By way of example and not limitation:

[0028] The auxiliary AV data is audio/video data whose bit rate is lower than that based on the AV data of the main line system. The auxiliary AV data is formed by compression encoding the AV data of the main line system so that its bit rate is reduced down to, for example, a few Mbps. Although a plurality of kinds of systems as well as MPEG4 exist as encoding systems for forming the auxiliary AV data, in the embodiment of the invention, the auxiliary AV data encoded by a plurality of different kinds of

encoding systems can exist mixedly on one disc. The auxiliary AV data encoded in the same encoding system by using different encoding parameters can also exist mixedly on one disc.

[0029] In the embodiment of the invention, **the number of channels of the audio data which is handled in the auxiliary AV data is fixed to 8 channels**. That is, for example, the number of channels of the audio data in the auxiliary AV data is set to 8 channels and, assuming that in the audio data of the main line system mentioned above, **even in the case where either 0 channel or 4 channels is selected as recording channels or the case where the number of input channels is further smaller than that of the selected recording channels, the number of channels of the audio data in the auxiliary AV data is equal to 8 channels**. If the number of recording channels of the audio data of the main line system is less than 8 channels, the audio data showing the silence is recorded into the residual channels of the audio data in the auxiliary AV data (that is, the channels which do not correspond to the channels of the audio data of the main line system).

III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1 and 3 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Number 6,339,676 B1 to Amada et al. (hereinafter, merely "Amada") in view of U.S. Patent Number 6,075,920 to Kawamura et al. (hereinafter, merely "Kawamura") and U.S. Patent Number 5,541,739 to Tanaka (hereinafter, merely "Tanaka").

Claims 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amada in view of Kawamura and Tanaka, and further in view of U.S. Patent Number 6,788,881 B1 to Kuroiwa et al. (hereinafter, merely "Kuroiwa").

Claim 1 recites, *inter alia*:

... the number of channels of said second audio data being set to a fixed value independent of change of the number of channels of said first audio data during recording process...

... wherein **the number of channels of said second audio data is not less than the number of channels of said first audio data** ...
(Emphasis added)

Applicant submits that neither Amada nor Kawamura nor Tanaka, taken alone or in combination, that would disclose or render predictable the above identified features of claim 1. Specifically, none of the references used as a basis for rejection discloses or renders predictable “the number of channels of said second audio data being set to a fixed value independent of change of the number of channels of said first audio data during recording process ...wherein **the number of channels of said second audio data is not less than the number of channels of said first audio data**”, as recited in claim 1.

The Office Action (see page 4) concedes that Amada and Kawamura do not teach the number of channels of said second audio data being set to a fixed value independent of change of the number of channels of said first audio data during recording process, but asserts that Tanaka teaches the above mentioned feature, and refers to Tanaka, col.2, lines 23-41 and col.5, lines 1-8, which are reproduced as follow:

Tanaka, col.2, lines 23-41:

Under this object, a digital signal recording apparatus which is arranged according to this invention comprises video input means for receiving a digital video signal; audio input means for receiving n channel digital audio signals (n: an integer which is at least 2); video compressing means for compressing an amount of information of the digital video signal; recording means for recording the digital video signal and the digital audio signals on a recording medium; and mode changeover means for changing over the apparatus between a plurality of modes which includes a first mode in which the digital video signal supplied from the video input means without passing through the video compressing means and all of the n channel digital audio signals supplied from the audio input means are recorded by the recording means, and a second mode in which the digital video signal having the amount

of information compressed by the video compressing means and **only part of the n channel digital audio signals supplied from the audio input means are recorded by the recording means.**

Tanaka, col.5, lines 1-8:

In the case of the embodiment shown in FIG. 2, **the number of channels for recording and the tone quality are arranged to be selectable by the operator by selecting the 2-channel audio mode or the 4-channel audio mode.** However, this arrangement may be changed to have one of the two audio modes automatically selected according to the incoming audio signals. An example of such a modification is shown in FIG. 3.

Applicant submits that in Tanaka, the number of channels for recording is arranged to be selectable by the operator by selecting the 2-channel audio mode or the 4-channel audio mode, and **only part of the n channel digital audio signals** supplied from the audio input means are recorded by the recording means. In other words, **the number of the selected channels is LESS than the number of the channels of the supplied audio data.** Thus, Tanaka fails to disclose or render predictable “the number of channels of said second audio data being set to a fixed value independent of change of the number of channels of said first audio data during recording process ...wherein **the number of channels of said second audio data is NOT LESS than the number of channels of said first audio data**”, as recited in claim 1.

Furthermore, this deficiency of Tanaka is not cured by the supplemental teaching of Amada or Kawamura.

Therefore, Applicant submits that independent claim 1 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 3 is also patentable, and Applicant thus respectfully requests reconsideration of the rejections thereto.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicant thereby respectfully requests reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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